

REVISION OF THE BUILDINGS' ACT.

SIR.—You apprised your readers, some weeks since, that Lord Morpeth had appointed a committee to consider the amendments of the Metropolitan Buildings' Act, and whilst we may confidently expect the best results from the ability of the members of this committee, yet I cannot but feel surprised that none of your correspondents have come forward with suggestions in furtherance of the improvement of this important statute, upon which very strong opinions have been expressed from time to time.* I hope we shall not find presently that the multitude find their pleasure in criticising and objecting to the labours of the few, rather than in generously rendering timely assistance for the public weal. From the opportunities which have presented themselves to myself, I am disposed to differ from the opinion which you have expressed, that is, that it would be better to pass over the present act, as being beyond repair, and construct an entirely new one. I think the latter course unnecessary; and, moreover, that in the end there might be the same complaints as were raised, too late, when the old building act was repealed; for most certainly in many quarters *nil nisi bonum* is now heard of the defunct statute. My experience leads me to think that the exercise of a little sound and unbiased judgment, would satisfy all parties, as far at least as the Legislature ought to be expected to satisfy them, having regard to the intended purposes of the statute. Perhaps the main and only important ingredients wanting in the existing statute, are a little more perspicuity in its language and stringency in its rules and enactments, at the same time eschewing any thing approaching to "glorious uncertainty," or alternative rules. The foremost of the matters which appear to require amendment, are the proceedings to ensure the abatement of irregular (and, therefore, publicly injurious) works. To do this, the jurisdiction of the justices, under the 15th and 16th sections, should be defined, or rather the intention of the Legislature should be declared (if it be so), that they are not required or expected to set up their judgment against that of the official referees and registrar, whose decision in all matters of irregularity should of course be final and conclusive, or at least, beyond the control of police courts, and perhaps of quarter sessions also; otherwise matters must stand in pretty much the same uncertain position as under the old Buildings Act.† Possibly to effect a more speedy and effectual abatement of irregular works, the district surveyor should be divested of the onerous duty and expense attending the proceedings, and an officer well acquainted with such subjects appointed for this office. Intimately connected with the subject of irregular works, is the irregularity of neglecting to give notice under section 13, before commencing works. This neglect subjects the builder (if the district-surveyor takes proceedings), to treble fees, and a heavy penalty; but under the terms of the act, the district-surveyor does not feel that he is *required* to do so, but that he may, exercise his discretion. This should not be, for there can be no doubt that much mischief is caused to houses after their original erection, by stove-setters, bell-hangers, and other workmen employed in making what are considered to be alterations too trivial for the notice of the district-surveyor, who (the workmen) in one hour may undo all the good produced by a compliance with schedule F, or other of the schedules. Whilst adverting to this schedule F, it is submitted that the backs of all flues, as well as of the chimney openings, should be not less than one brick in thickness; and further (especially if half brickwork should continue to be allowed) that every person building a party wall, with chimneys on his side of the wall, should be required before receiving payment of his neighbour for any portion thereof, to furnish him with an outline plan and elevation, showing the thickness of the wall, and chimney backs and flues, and the position of the chim-

ney openings, and the course of the flues; and also the position of the bearing ends of all timbers inserted in the wall. For this a small charge might be made by the party building.

With regard to the proceedings to be taken by the district-surveyor on a builder refusing to amend irregular works, it would seem questionable whether, after the schedule, or *specification of works*, has been revised, it would not answer every purpose, besides expediting matters, if *one* official referee were authorised to inquire into, and dispose of, informations in some such summary way as is now practised at the police courts, giving the parties the option of having the question heard or reheard, and determined, by the two or three official referees, as at present. This inquiry should be made at the works, and the decision of the official referees read at the office, to the parties who should be supplied with copies of the same.

Another subject that would seem to require some attention, is section 16, as it is obvious that government buildings, and buildings erected by public companies, &c., ought to be subject to all the rules of the act regarding fire, in common with other buildings within the limits of the act. Again, the powers of modifying vested in the referees, would themselves seem to require some modification, if it is to be understood that, under section 11, they are not authorized to make any modification in the nature of amendment or repeal of isolated rules. Unless, indeed, they are authorized under section 14, if the circumstances of the case warrant it, to allow trivial departures from the schedules (except schedule F) to be passed without amendment. The provisions relating to party structures and their owners might be simplified. One point at least requires to be cleared up, viz.: whether it is incumbent on the building owner, under section 26, to call on the district surveyor to survey, as under the two preceding sections, where the work, if authorized to be done, is done at the joint expense of building owner and adjoining owner. A supplemental section might, perhaps, be introduced which would assist an owner in procuring the rebuilding or amendment, on moderate terms, to himself, of party-walls not out of repair, and, therefore, not condemnable under the statute, but yet manifestly inefficient for the main purpose of the statute,—security against the spread of fire. This provision would take a middle place between sections 25 and 26; the former of which, as before observed, contemplates building owners and adjoining owners doing the work at their joint expense, whilst the latter throws the whole and every expense on the building owner. The remedy might, I think, be obtained by the referees being empowered, if specially called on to do so, after a wall has been certified by the district-surveyor to be in such a condition as not to require to be repaired or rebuilt, to determine whether it is not so reasonable a desire on the part of the building owner, and so beneficial to the adjoining owner's property, to have the wall amended or rebuilt, that the adjoining owner should bear at least the expense of shoring up his house and making good on his side of the wall. Such a provision would also have the effect of inducing caution and examination on the part of persons when taking leases of, or purchasing, houses presenting a fair outside. The proceedings, section 40, concerning ruinous buildings, from the very nature of the subject, require to be made as summary as certain and intelligible; and it may be here asked, whether the overseers of the poor are the most proper persons to be entrusted with the charge of ruinous buildings? The provision concerning the occupation of single underground rooms as dwellings, which are improper for the purpose, must be supposed to have quietly worked a perfect cure, or else to have had no good effect: the latter may be the case, as the statute has not imposed the disagreeable duty of enforcing this part of the law on any particular person or persons.

With respect to the schedules, a general revision (but only a revision) is desirable, as obviously this portion of the Act, being the part to which workmen and all persons immediately concerned in the execution of works are required to refer, should specify, grammatically, in the plainest and most precise and

direct terms, the rules which are to be observed. In the seventh part of schedule C greenhouses, aviaries, &c., &c., are excepted from the ordinary rules, and, therefore, some special rules as to the materials, &c., of these buildings seems to be required, if schedule F does not take them in.

A clear definition of what constitutes an "attached building," as contradistinguished from an "addition" to a building, is wanted, as in this question are involved two very important considerations, viz., the thickness, and therefore, the cost of the walls, and also the fee payable to the district-surveyor on the work. The liabilities of "insulated buildings" should also be defined, and means adopted to prevent evasions of the Act after their erection. As it is now, it is supposed that a party having purchased the ground about, may build close up to an insulated building; or a large insulated building, even if of wood, may be afterwards divided into a number of separate buildings, by party-walls being built between them. Either there should be no exception made in favour of insulated buildings, or their dimensions should be limited, particularly as regards height above-ground; and they should be very distinctly required to observe the rules of schedule F (chimneys), and schedule H (drains). Schedule E, the most difficult of the schedules, requires some consideration, particularly if it be, as stated in a work recently published by Mr. Hosking, that a notion prevails that the expression "hereafter rebuilt" would be applicable only to buildings which have been rebuilt since the Act came into operation. By one rule of schedule E, "balconies, verandahs, porches, porticoes," &c., &c., and all other projections not forming part of the wall, may stand beyond the general line. Whilst, by a subsequent rule, "bow-windows or other projections of any kind" are prohibited, and such projections only as are by the other rule allowed to stand beyond the general line may do so. As a porch or portico, if inclosed, is as bulky as a bow-window, it would seem to be a question whether the latter rule does not refer mainly to buildings, or parts of buildings, as affecting the line established by other buildings, as contradistinguished from mere ordinary one-story appendages to buildings. If this be the rule, it is too important to be repeated without, at the same time, giving the referees or some other authority power, to relax the rule in certain cases as they may arise. Schedule H will require to be remodelled to meet all the practicable views of the new sewers commission, to whom it should perhaps be transferred eventually. Schedule I requires to be reconsidered, as it has been found to be operative—as it perhaps ought to be, with regard to partially-built streets, and old-established but unbuilt roads or ways; and the decision of the referees, to the effect that future alleys must be thoroughfares for foot passengers, deserves attention. Schedule K requires to be entirely re-written. The several modifications which the referees have made from time to time would of course be incorporated in their proper places.

There are two important points which have been omitted to be adverted to in the order of the Act: these are, first, ancient windows in party walls; and secondly, the difficulty that arises in cases where the registrar withholds the seal from an award by the referees. On the first of these two points it would seem that great differences of opinion exist in the minds of professional men, as regards the perpetuation of window openings in party walls on the walls being rebuilt; some persons maintaining, and the referees deciding, that the Metropolitan Buildings Act cannot deprive a party of a prescriptive right; whilst others contend that the Act will not allow the windows to be reformed, but that the next owner must compensate the owner of the window for his loss; and a third party goes further, alleging that the statute (whose schedules are to be observed "notwithstanding any thing contained to the contrary in any Act of Parliament now in force"), and not the individual, takes away the window, and therefore no compensation can be claimed by the owner thereof from his neighbour, be he building owner or adjoining owner. The other point merits the most serious consideration; for as the Act now stands, the refusal of the registrar—if his

* And suggestions too, as our correspondent will find, if he refers.

† The particulars of a case taken by Mr. David Roper, district surveyor, before Mr. Norton, at the Lambeth police court, last week, when the magistrate refused (in the face of the law, as it seems to us), to recognize the award of the referees, is before us; we defer notice of it, however, in order that we may give fuller consideration to it at this moment.